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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,638	01/24/2001	Bertrand A. Damiba	BVOC005	5282

28875 7590 09/05/2003

SILICON VALLEY INTELLECTUAL PROPERTY GROUP  
P.O. BOX 721120  
SAN JOSE, CA 95172-1120

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.  
**09/769,638**

Applicant(s)  
**Damiba**

Examiner  
**Cao (Kevin) Nguyen**

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**2173**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jan 24, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 24, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:



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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crow et al (US Patent No. 6,538,665) in view of Brooks et al (US Patent No. 6,477,493).

Regarding claim 1, Brooks discloses a method for providing a transcription graphical user interface, comprising the steps of (a) displaying an utterance icon for prompting the emission of an utterance via a speaker upon the selection thereof (see col. 2, lines 46-67 and col. 4, lines 33-67); and (b) depicting a transcription field for allowing entry of a transcription of the utterance utilizing a keyboard (see col. 5-6, lines 1-67); however, Brooks fails to explicitly teach wherein the transcription graphical user interface is displayed using hypertext markup language (HTML).

Crow teaches the transcription graphical user interface is displayed using hypertext markup language (HTML) (see col. 6, lines 1-50). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide the transcription graphical



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user interface is displayed using hypertext markup language (HTML) as taught by Crow to the computer speech recognition device of Brooks in order to generate a GUI display screen for prompting and enabling user selection of at least one of an audio input device and an audio environment and retrieving one of the enrollments responsive to the user selection, for user in a dictation or transcription session.

Regarding claim 2, Brooks discloses wherein a comment field is depicted for allowing entry of comments associated with the transcription utilizing the keyboard (see figures 4A-4B).

Regarding claim 3, Crow discloses wherein the transcription graphical user interface is capable of being displayed over a network utilizing a network browser (see col. 11, lines 1-13).

Regarding claim 4, Brooks discloses wherein a pair of selection icons are displayed for prompting the emission of previous and next utterances (see col. 9, lines 40-62).

Regarding claims 5-6, Brooks discloses wherein a hint is displayed corresponding to the utterance; and wherein the hint corresponds to a word matched with the utterance utilizing a speech recognition process (see col. 8, lines 28-67).

As per claims 7-18, are apparatus claims that corresponds to method claims 1-6, and thus are rejected for the aforementioned reason.



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***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-6306 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist)



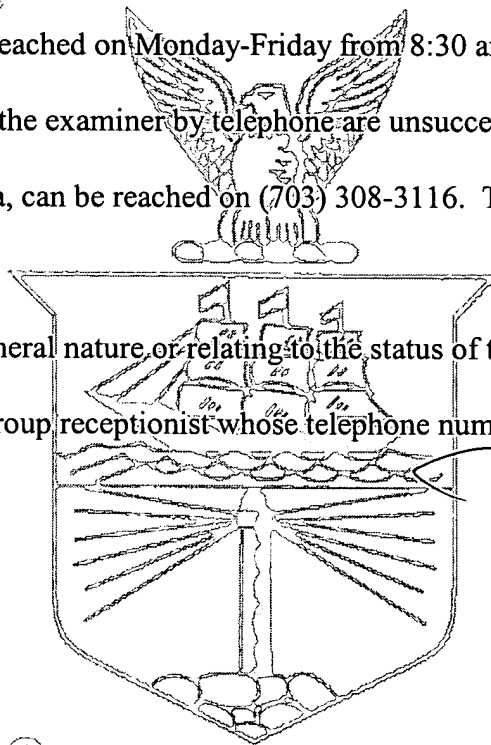
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*Inquires*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER  
August 27, 2003